

1971—Pub. L. 91-651 substituted “Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President” for “Use of the great seal of the United States” in section catchline.

Subsec. (a). Pub. L. 91-651 redesignated existing provisions as subsec. (a), expanded prohibition to include likenesses of the seals of the President and Vice President, and added to the enumerated list of prohibited uses for likenesses of the great seal of the United States and for the seals of the President and Vice President, use in posters, public meetings, or on any building, monument, or stationery.

Subsecs. (b), (c). Pub. L. 91-651 added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 1971 AMENDMENT

Section 3 of Pub. L. 91-651 provided that: The amendments made by this Act [amending this section] shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act [Jan. 5, 1971], until one year after the date of such enactment.”

#### EX. ORD. NO. 11649. REGULATIONS GOVERNING SEALS OF PRESIDENT AND VICE PRESIDENT OF UNITED STATES

Ex. Ord. No. 11649, Feb. 16, 1972, 37 F.R. 3625, as amended by Ex. Ord. No. 11916, May 28, 1976, 41 F.R. 22031, provided:

By virtue of the authority vested in me by section 713(b) of title 18, United States Code, I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States:

SECTION 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

(a) Use by the President or Vice President of the United States;

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(d) Use as an architectural embellishment in libraries, museums, or archives established to house the papers or effects of former Presidents or Vice Presidents;

(e) Use on a monument to a former President or Vice President;

(f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;

(g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

RICHARD NIXON.

#### [§ 714. Repealed. Pub. L. 97-258, § 2(d)(1)(B), Sept. 13, 1982, 96 Stat. 1058]

Section, added Pub. L. 91-419, § 3, Sept. 25, 1970, 84 Stat. 870, defined “Johnny Horizon” for purposes of Pub. L. 91-419.

#### § 715. “The Golden Eagle Insignia”

As used in this section, “The Golden Eagle Insignia” means the words “The Golden Eagle”

and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses “The Golden Eagle Insignia”, or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake, or to deceive, shall be fined under this title or imprisoned not more than six months, or both.

The use of any such emblem, sign, insignia, or words which was lawful on the date of enactment of this Act shall not be a violation of this section.

A violation of this section may be enjoined at the suit of the Attorney General, upon complaint by the Secretary of the Interior.

(Added Pub. L. 92-347, § 3(b), July 11, 1972, 86 Stat. 461; amended Pub. L. 103-322, title XXXIII, § 330016(1)(E), Sept. 13, 1994, 108 Stat. 2146.)

#### REFERENCES IN TEXT

The date of enactment of this Act, referred to in text, means the date of enactment of Pub. L. 92-347, which was approved July 11, 1972.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$250” in second par.

#### CHAPTER 35—ESCAPE AND RESCUE

Sec.	
751.	Prisoners in custody of institution or officer.
752.	Instigating or assisting escape.
753.	Rescue to prevent execution.
[754.]	Repealed.]
755.	Officer permitting escape.
756.	Internee of belligerent nation.
757.	Prisoners of war or enemy aliens.
758.	High speed flight from immigration checkpoint.

#### AMENDMENTS

1996—Pub. L. 104-208, div. C, title I, § 108(b)(2), Sept. 30, 1996, 110 Stat. 3009-558, added item 758.

1994—Pub. L. 103-322, title XXXIII, § 330004(5), Sept. 13, 1994, 108 Stat. 2141, struck out item 754 “Rescue of body of executed offender”.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 4082 of this title.

#### § 751. Prisoners in custody of institution or officer

(a) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any of

fense, be fined under this title or imprisoned not more than five years, or both; or if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

(b) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution or facility in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined under this title or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to section 5032 of this title.

(June 25, 1948, ch. 645, 62 Stat. 734; Pub. L. 88-251, §1, Dec. 30, 1963, 77 Stat. 834; Pub. L. 89-176, §3, Sept. 10, 1965, 79 Stat. 675; Pub. L. 100-690, title VII, §7055, Nov. 18, 1988, 102 Stat. 4402; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§753h, 909 (May 14, 1930, ch. 274, §9, 46 Stat. 327; May 27, 1930, ch. 339, §9, 46 Stat. 390; Aug. 3, 1935, ch. 432, 49 Stat. 513).

Sections 753h and 909 of title 18, U.S.C., 1940 ed., were consolidated. Section 753h is later and more comprehensive. The substance of its provisions was adopted.

References to offenses as felonies or misdemeanors were omitted in view of definitive section 1 of this title. (See also reviser's notes under section 550 of this title.)

Mandatory provision as to separate sentences and order of service was omitted in order to permit court to exercise discretion as to whether sentences should be concurrent or consecutive and to obviate administration problems in enforcement of section.

Words "or employee" were inserted to remove ambiguity as to scope of section.

Reference to "custody or confinement is for extradition" was inserted to avoid possible ambiguity.

Changes were made in phraseology and arrangement.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$5,000" after "any offense, be" and for "fined not more than \$1,000" after "conviction, be" in subsec. (a) and substituted "fined under this title" for "fined not more than \$1,000" in subsec. (b).

1988—Subsec. (a), Pub. L. 100-690 inserted ", or for exclusion or expulsion proceedings under the immigration laws," after "extradition".

1965—Pub. L. 89-176 inserted "or facility" after "institution".

1963—Pub. L. 88-251 designated existing provisions as subsec. (a) and added subsec. (b).

#### CHANGE OF NAME

United States commissioners, referred to in text, were replaced by United States magistrates pursuant to Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118. See chapter 43 (§631 et seq.) of Title 28, Judiciary and Judicial Procedure.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28.

#### CROSS REFERENCES

Bureau of Prisons employees, power to arrest without warrant for violations of this section, see section 3050 of this title.

Civil commitment and rehabilitation of narcotic addicts, penalties for escape or rescue from custody, see section 2902 of Title 28, Judiciary and Judicial Procedure.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2516, 3050, 3592 of this title; title 8 section 1537; title 28 section 2902; title 42 section 3425.

### § 752. Instigating or assisting escape

(a) Whoever rescues or attempts to rescue or instigates, aids or assists the escape, or attempt to escape, of any person arrested upon a warrant or other process issued under any law of the United States, or committed to the custody of the Attorney General or to any institution or facility by his direction, shall, if the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense, be fined not more than \$5,000 or imprisoned not more than five years, or both; or, if the custody or confinement is for extradition, or for exclusion or expulsion proceedings under the immigration laws, or by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, be fined under this title or imprisoned not more than one year, or both.

(b) Whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempted escape of any person in the custody of the Attorney General or his authorized representative, or of any person arrested upon a warrant or other process issued under any law of the United States or from any institution or facility in which he is confined by direction of the Attorney General, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; May 28, 1956, ch. 331, 70 Stat. 216; Pub. L. 88-251, §2, Dec. 30, 1963, 77 Stat. 834; Pub. L. 89-176, §3, Sept. 10, 1965, 79 Stat. 675; Pub. L. 100-690, title VII, §7055, Nov. 18, 1988, 102 Stat. 4402; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§246, 247, 252, 661, 662c, 753i, 910 (R.S. §5277; Mar. 4, 1909, ch. 321, §§141, 143,

35 Stat. 1114; May 14, 1930, ch. 274, §10, 46 Stat. 327; May 27, 1930, ch. 339, §10, 46 Stat. 390; Mar. 22, 1934, ch. 73, §2, 48 Stat. 455; May 18, 1934, ch. 303, §1, 48 Stat. 782).

Section consolidated escape and rescue provisions of sections 246, 247, 252, 661, 662c, 753i, and 910 of title 18, U.S.C., 1940 ed. Remaining provisions of those sections are in sections 1071, 1072, 1502, 1792, 3183, and 3195 of this title.

No two sections provided the same punishment. Every section except said section 252 made the offense a misdemeanor by providing for fines varying from \$500 to \$1,000 and terms of imprisonment varying from 6 months to 1 year. Said section 252, representing the latest expression by Congress, provided for 10 years' imprisonment.

The punishment provision was adopted from section 751 of this title, which makes it unlawful for a prisoner to escape from his place of confinement. Thus the same punishment would apply to the person aiding in an escape as to the person escaping.

The language of this section reconciles the conflict by adopting a penalty which is a compromise between the varying provisions.

Reference to "extradition" was inserted to avoid ambiguity and to harmonize section with section 751 of this title.

References to "force" were omitted as well as those to "officer" or "custody." See definition of "Rescue," Black's Law Dictionary, citing 4 Bl. Comm. 131.

Changes were made in phraseology.

#### AMENDMENTS

1994—Subsecs. (a), (b). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

1988—Subsec. (a). Pub. L. 100-690 inserted ", or for exclusion or expulsion proceedings under the immigration laws," after "extradition".

1965—Pub. L. 89-176 inserted "or facility" after "institution".

1963—Pub. L. 88-251 designated existing provisions as subsec. (a) and added subsec. (b).

1956—Act May 28, 1956, inserted ", or attempt to escape," after "escape".

#### CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

#### CROSS REFERENCES

Arrests by Bureau of Prisons employees, see section 3050 of this title.

Civil commitment and rehabilitation of narcotic addicts, penalties for escape or rescue from custody, see section 2902 of Title 28, Judiciary and Judicial Procedure.

Concealing or harboring an escaped prisoner, see section 1072 of this title.

Introducing dangerous instrumentalities into prisons, see section 1792 of this title.

Rescue of goods, see section 2233 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 3050 of this title; title 8 section 1537; title 28 section 2902; title 42 section 3425.

### § 753. Rescue to prevent execution

Whoever, by force, sets at liberty or rescues any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined under this title or imprisoned not more than twenty-five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, §330016(1)(O), Sept. 13, 1994, 108 Stat. 2148.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §248 (Mar. 4, 1909, ch. 321, §142, 35 Stat. 1114).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$25,000".

### [§ 754. Repealed. Pub. L. 103-322, title XXXIII, § 330004(5), Sept. 13, 1994, 108 Stat. 2141]

Section, acts June 25, 1948, ch. 645, 62 Stat. 735; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, §330016(1)(B), 108 Stat. 2146, related to rescue of bodies of executed offenders.

### § 755. Officer permitting escape

Whoever, having in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, voluntarily suffers such prisoner to escape, shall be fined under this title or imprisoned not more than 5 years, or both; or if he negligently suffers such person to escape, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, §330016(1)(G), (I), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, §705(a)(2), Apr. 24, 1996, 110 Stat. 1295.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§244, 662e, 665 (Feb. 6, 1905, ch. 454, §2, 33 Stat. 698; Mar. 4, 1909, ch. 321, §§138, 139, 35 Stat. 1113; Mar. 22, 1934, ch. 73, §4, 48 Stat. 456).

Sections 244, 662e and 665 of title 18, U.S.C., 1940 ed., were consolidated. The two latter sections merely extended application of the former. This section has been greatly condensed by changes in phraseology which do not affect the substance.

Enumeration of "marshal, deputy marshal, ministerial officer, or other person," was omitted as surplusage.

Provision making section applicable to cases of prisoners in custody pending extradition or removal proceedings as well as prisoners convicted of offenses against the United States was likewise omitted as unnecessary.

Changes in phraseology were made.

#### SENATE REVISION AMENDMENT

The text of this section was changed by Senate amendment in view of the act of June 21, 1947, ch. 111, 61 Stat. 134, which, by amending section 244 of Title 18, U.S.C., became an additional source of this section. The amendment constitutes the last clause of this section. See Senate Report No. 1620, amendment No. 8, 80th Cong.

#### AMENDMENTS

1996—Pub. L. 104-132 substituted "5 years" for "two years".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$2,000" after "escape, shall be" and for "fined not more than \$500" after "he shall be".

#### CHANGE OF NAME

United States commissioners, referred to in text, were replaced by United States magistrates pursuant to Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82

Stat. 1118. See chapter 43 (§631 et seq.) of Title 28, Judiciary and Judicial Procedure.

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28.

#### CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

### § 756. Internee of belligerent nation

Whoever, within the jurisdiction of the United States, aids or entices any person belonging to the armed forces of a belligerent nation or faction who is interned in the United States in accordance with the law of nations, to escape or attempt to escape from the jurisdiction of the United States or from the limits of internment prescribed, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, §705(a)(3), Apr. 24, 1996, 110 Stat. 1295.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §37 (June 15, 1917, ch. 30, title V, §7, 40 Stat. 223).

Section was divided. Remaining provisions relating to arrest appear in section 3058 of this title.

Minor changes in phraseology were made.

#### AMENDMENTS

1996—Pub. L. 104-132 substituted “five years” for “one year”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000”.

#### CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

#### CROSS REFERENCES

Jurisdiction of offenses, see section 3241 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 22 section 465.

### § 757. Prisoners of war or enemy aliens

Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined under this title or imprisoned not more than ten years, or both.

The provisions of this section shall be in addition to and not in substitution for any other provision of law.

(June 25, 1948, ch. 645, 62 Stat. 735; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §97b (Apr. 30, 1945, ch. 103, 59 Stat. 101).

The second sentence of section 97b of title 18, U.S.C., 1940 ed., was made a separate paragraph.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in first par.

### § 758. High speed flight from immigration checkpoint

Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service, or any other Federal law enforcement agency, in a motor vehicle and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be fined under this title, imprisoned not more than five years, or both.

(Added Pub. L. 104-208, div. C, title I, §108(b)(1), Sept. 30, 1996, 110 Stat. 3009-557.)

#### CONGRESSIONAL FINDINGS

Section 108(a) of div. C of Pub. L. 104-208 provided that: “The Congress finds as follows:

“(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

“(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

“(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1227.

## CHAPTER 37—ESPIONAGE AND CENSORSHIP

Sec.	
[791.	Repealed.]
792.	Harboring or concealing persons.
793.	Gathering, transmitting or losing defense information.
794.	Gathering or delivering defense information to aid foreign government.
795.	Photographing and sketching defense installations.
796.	Use of aircraft for photographing defense installations.
797.	Publication and sale of photographs of defense installations.
798.	Disclosure of classified information.
798A.	Temporary extension of section 794.
799.	Violation of regulations of National Aeronautics and Space Administration.

#### AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3519(b), Nov. 29, 1990, 104 Stat. 4923, redesignated item 798, “Temporary extension of section 794”, as 798A.

1961—Pub. L. 87-369, §2, Oct. 4, 1961, 75 Stat. 795, struck out item 791 “Scope of chapter”.

1958—Pub. L. 85-568, title III, §304(c)(2), July 29, 1958, 72 Stat. 434, added item 799.

1953—Act June 30, 1953, ch. 175, §3, 67 Stat. 133, added second item 798.

1951—Act Oct. 31, 1951, ch. 655, §23, 65 Stat. 719, added item 798.